



COMMONWEALTH OF MASSACHUSETTS  
EXECUTIVE OFFICE OF ENERGY & ENVIRONMENTAL AFFAIRS  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
**Central Regional Office**, 627 Main Street, Worcester, MA 01608

DEVAL L. PATRICK  
Governor

TIMOTHY P. MURRAY  
Lieutenant Governor

IAN A. BOWLES  
Secretary

LAURIE BURT  
Commissioner

## FINAL AIR QUALITY OPERATING PERMIT

Issued by the Massachusetts Department of Environmental Protection ("MassDEP") pursuant to its authority under M.G.L. c. 111, §142B and §142D, 310 CMR 7.00 et seq., and in accordance with the provisions of 310 CMR 7.00: Appendix C.

**ISSUED TO ["the Permittee"]:**

Hudson Light & Power  
49 Forest Avenue  
Hudson, MA 01749

**INFORMATION RELIED UPON:**

Transmittal No. X229534 (Renewal application)  
Transmittal No. W115688 (OP Renewal 2004)

**FACILITY LOCATION:**

Hudson Light & Power  
Cherry Street  
Hudson, MA 01749

**FACILITY IDENTIFYING NUMBERS:**

AQ ID: 119-0904  
FMF FAC NO. 130613  
FMF RO NO. 51678

**NATURE OF BUSINESS:**

Electrical Power Generation

**STANDARD INDUSTRIAL CODE (SIC):** 4911

**N. AMERICAN INDUSTRY**

**CLASSIFICATION SYSTEM (NAICS):** 221112

**RESPONSIBLE OFFICIAL:**

Name: Designated Official  
Title: Manager, or Assistant Manager  
Phone: (978) 562-2368

**FACILITY CONTACT PERSON:**

Name: Daniel J. Murphy, Jr.  
Title: Plant Superintendent  
Phone: (978) 562-2368

**This operating permit shall expire on 3/19/2015.**

For the Department of Environmental Protection, Bureau of Waste Prevention

\_\_\_\_\_  
Thomas P. Cusson, Permit Chief

\_\_\_\_\_  
Date



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## **SPECIAL CONDITIONS FOR OPERATING PERMIT**

A Legend to abbreviated terms found in the following Tables is located in Section 28 of the Operating Permit.

### **1. PERMITTED ACTIVITIES**

In accordance with the provisions of 310 CMR 7.00: Appendix C and applicable rules and regulations, the Permittee is authorized to operate air emission units as shown in Table 1 and exempt, and insignificant activities as described in 310 CMR 7.00: Appendix C(5)(h) and (i). The units described in Table 1 are subject to the terms and conditions shown in Sections 4, 5, and 6 and to other terms and conditions as specified in this permit. Emissions from the exempt activities shall be included in the total facility emissions for the emission-based portion of the fee calculation described in 310 CMR 4.00 and this permit.

### **DESCRIPTION OF FACILITY AND OPERATIONS**

Hudson Light and Power, located at Cherry St, Hudson, Massachusetts, is a municipally owned and operated electrical generation station with a Standard Industrial Code of 4911 and North American Industry Classification System Code 221112. The Facility operates five reciprocating internal combustion engines/generators noted as emission units #7, #8, #10, #11 and #12 within this operating permit.

Emission Units #7 and 8 must comply with a nitrogen dioxide (NO<sub>x</sub>) limit of 9 grams per brake horsepower-hour. Emission Units #10-12 must maintain a 4<sup>0</sup> engine retard if they operate less than 1000 hours during any consecutive twelve month period. These units must meet 9.0 grams per brake horsepower-hour if they operate 1000 hours or greater.

The NO<sub>x</sub> emission standard shall be complied with by fuel switching on an annual average basis provided that the fuel with lowest NO<sub>x</sub> emissions rate available is utilized between May 1 and September 30 of each year.

The facility also maintains a state approved waste oil burner to heat the building. The facility is not subject to 40 CFR 64, the Compliance Assurance Monitoring (CAM) Rule since there are no emission control devices at the facility.

### **2. EMISSION UNIT IDENTIFICATION**

The following emission units (Table 1) are subject to and regulated by this operating permit:

<b>Table 1</b>			
<b>EU#</b>	<b>DESCRIPTION OF EMISSION UNIT</b>	<b>EU DESIGN CAPACITY</b>	<b>POLLUTION CONTROL DEVICE</b>
EU#7	Generator #7 Nordberg Model No. TS 2110 (Diesel)	31 MMBtu per hour	None
EU#8	Generator #8 Nordberg Model No. TSGL211031 (Dual Fuel)	37 MMBtu per hour	None
EU#10	Generator #10 Fairbanks Morse Model No. 38TDD8 1/8 (Dual Fuel)	23 MMBtu per hour	None
EU#11	Generator #11 Fairbanks Morse Model No. 38TDD8 1/8 (Dual Fuel)	23 MMBtu per hour	None
EU#12	Generator #12 Cooper Bessemer Model No. LSV20GTD (Dual Fuel)	52 MMBtu per hour	None
EU#13	Parts Cleaner	5 Gallons	None

### **3. IDENTIFICATION OF EXEMPT ACTIVITIES**

The following are considered exempt activities in accordance with the criteria contained in 310 CMR 7.00: Appendix C(5)(h):

<b>Table 2</b>	
<b>Description of Current Exempt Activities</b>	<b>Reason</b>
The list of current exempt activities is contained in the Operating Permit application and shall be updated by the Permittee to reflect changes at the facility over the permit term. An up-to-date copy of exempt activities list shall be kept on-site at the facility and a copy shall be submitted to the MassDEP's Regional Office. Emissions from these activities shall be reported on the annual emissions statement pursuant to 310 CMR 7.12.	310 CMR 7.00: Appendix C(5)(h)

### **4. APPLICABLE REQUIREMENTS**

#### **A. EMISSION LIMITS AND RESTRICTIONS**

The Permittee is subject to the emission limits/restrictions as contained in Table 3 below:

<b>Table 3</b>					
Emission Unit	Fuel/Raw Materials	Pollutant	Restrictions	Emission Limit/Standard	Applicable Regulation and/or Approval No.
EU#7	#2 Fuel oil	NOx	NA	$\leq 9.0$ grams/brake horsepower-hour <sup>2</sup>	310 CMR 7.19(8)(c) 3 Approval 79294
EU#8	Natural Gas, #2 Fuel Oil	NOx	NA	$\leq 9.0$ grams/brake horsepower-hour <sup>2</sup>	310 CMR 7.19(8)(c) 3 & 7.19(2)(f) Approval 79294
EU#10- EU#12	Natural Gas, #2 Fuel Oil	NOx	< 1000 hours/ 12-month rolling operating time.	Maintain 4° engine retard <sup>1</sup> .	Approval TR #79294 310 CMR 7.19(8)(d) & 7.19(2)(f)-see Special Conditions Table 8
		NOx <sub>2</sub>	$\geq 1000$ hours/ 12-month rolling operating time.	$\leq 9.0$ grams/brake horsepower-hour <sup>2</sup>	
Facility wide	#2 fuel oil/ natural gas/ oil/ waste oil	Opacity	Not to exceed 20% <sup>3</sup>	NA	310 CMR 7.06(1)(b)
		Smoke	Not to exceed #1 <sup>4</sup> of the Chart		310 CMR 7.06(1)(a)
		SOx	Sulfur content in fuel not to exceed 0.17 lb/MMBtu or 0.3% sulfur content		310 CMR 7.05(1)(a) 2.
EU#13	Cleaning solvents	VOC	Solvent use < 100 gallons/mo P(vapor) < 1.0 mmHg (20°C)		310 CMR 7.03(8), and 310 CMR 7.18 (8)(a)

- In accordance with 310 CMR 7.19(8)(d), the ignition timing of each stationary reciprocating internal combustion engine shall be set and maintained four (4) degrees retarded relative to standard timing provided that the ignition timing shall not be retarded beyond the point that:
  - the carbon monoxide (CO) emission concentration increases beyond 100 parts per million (PPM) by volume, dry basis, corrected to 15% oxygen (O<sub>2</sub>), or
  - the turbocharger speed is increased beyond the maximum operating speed recommended by the engine manufacturer, or
  - the exhaust port temperature increases beyond the engine manufacturer's recommended maximum operating temp.
  - Should any EU operate 1000 hours or more during any consecutive twelve (12) month period, then said EU shall become subject to and shall continue to comply with the NOx emission limit in 310 CMR 7.19(8)(c) 3.
- Compliance with emission limit(s)/standard(s) shall be based on a one-hour averaging time.
- For a period or aggregate period in excess of 2 minutes during any one hour provided that at no time during the said 2 minutes shall the opacity exceed 40%.
- For a period or aggregate period of time in excess of 6 minutes during any one hour provided that at no time during the said 6 minutes shall the shade, density or appearance be greater than #2 of the Chart.

## **B. COMPLIANCE DEMONSTRATION**

The Permittee is subject to the monitoring/testing, record keeping, and reporting requirements as contained in Table 4, 5, and 6 below and 310 CMR 7.00: Appendix C (9) and (10), as well as the applicable requirements contained in Table 3:

<b>Table 4</b>	
<b>EU#</b>	<b>MONITORING/TESTING REQUIREMENTS</b>
EU #10- EU#12	1. Inspect and adjust the ignition timing of each engine at least once every 3 years to verify the ignition timing of each engine is maintained four (4) degrees retarded relative to standard timing in accordance with Approval No. 79294
EU#7, #8, 10-#12	2. In accordance with Operating Permit Transmittal No. W115688, maintain elapsed time meters to indicate, in cumulative hours, the elapsed engine operating time for each engine on a daily basis and during the previous twelve (12) month period. 3. In accordance with Approval no. 79294, Emissions Compliance Testing (Stack Testing), upon request from MassDEP, shall be performed on any engine to demonstrate compliance with emission limits listed in Table 3. Stack testing shall be conducted in accordance with 310 CMR 7.19(13)(c) and 40 CFR Part 60, Appendix A. Prior to Stack Testing, appropriate testing ports shall be constructed so as to accommodate the requirements as stipulated in 40 CFR Part 60, Appendix A (Method 1). Performing such stack testing shall be a condition on the continuing operation of an engine. 4. Emission testing to demonstrate compliance with the Emission Limits specified in Table 3 shall be in accordance with EPA approved reference test methods unless otherwise approved by the EPA and MassDEP or unless otherwise specified and shall include test Methods 1 through 4, and Particulate Matter (Method 5), Sulfur Dioxide (Method 6C), Carbon Monoxide (Method 10), Gaseous Organic Compounds (Method 18), Total Gaseous Organic Concentration (Method 25A), Hydrogen Chloride (Method 26A) and Metals (Method 29). 5. In accordance with 310 CMR 7.19(13)(d) 3., monitor for each engine, No. 2 Fuel Oil and/or Natural Gas burned each day, heat content of No. 2 Fuel Oil and/or Natural Gas, and total heating value of No. 2 Fuel Oil and/or Natural Gas consumed for each day. 6. In accordance with 310 CMR 7.00: Appendix C (9)(b) 2., monitor the sulfur content of each new shipment of No. 2 Fuel Oil received. Compliance with sulfur can be demonstrated through testing or maintaining a shipping receipt from the fuel supplier. The shipment certification or testing of sulfur content of No. 2 Fuel Oil shall be in accordance with the applicable American Society for Testing Materials (ASTM) test methods or any other method approved by MassDEP and EPA.
EU# 7, 8, 12	7. In accordance with 310 CMR 7.19(13)(a)(8), the Permittee shall demonstrate compliance with the NO <sub>x</sub> limits listed in Table 3 with a properly operating continuous emission monitoring system (CEMS) as specified in 310 CMR 7.19(13)(b) if any engine operates 1000 hours or more in any consecutive twelve month period.
EU#10 & 11	8. In accordance with 310 CMR 7.19(13)(a)(9), the Permittee shall demonstrate compliance with the NO <sub>x</sub> Limit listed in table 3 by performing an initial stack test as specified in 310 CMR 7.19(13)(c) if any engine operates 1000 hours or more in any consecutive 12 month period.
EU#12	9. In accordance with 310 CMR 7.04(2)(a), the emission unit must be equipped with a properly operating smoke density sensing instrument and recorder that has an audible alarm to signal the need for equipment adjustment when the smoke density is equal to or greater than No. 1 of the Chart.
EU#13	10. In accordance with 310 CMR 7.18(8) (h), the Permittee shall test the emission unit to demonstrate compliance with 310 CMR 7.18(8) upon request by MassDEP.
Facility Wide	11. Smoke and Opacity limits shall be determined in accordance with EPA Test Method 9, as specified in 40 CFR Part 60, Appendix A in accordance with 310 CMR 7.00 Appendix C (9)(b). 12. In accordance with 310 CMR 7.12, the Permittee shall monitor the operations of the entire facility such that necessary information is available for the preparation of the annual Source Registration/Emission Statement Forms as required by 310 CMR 7.12.

<b>Table 5</b>	
<b>EU#</b>	<b>RECORD KEEPING REQUIREMENTS</b>
EU#10- EU#12	1. Consistent with Approval No. 79294, maintain records to certify that the ignition timing of each engine has been inspected and adjusted to four (4) degrees retard relative to standard timing at least once every 3 years.
EU#7, #8, #10-EU#12	<p>2. In accordance with 310 CMR 7.00: Appendix C (10)(b), maintain records of all monitoring data and supporting information required by this operating permit on site for five (5) years from the date of the monitoring sample, measurement, report or initial operating permit application.</p> <p>3. In accordance with Operating Permit Transmittal No. W115688, maintain records of the hours of operation for each engine on a daily basis and during the previous twelve (12) month period.</p> <p>4. Maintain the test results of any Emissions Compliance Testing (Stack Testing) performed in accordance with 310 CMR 7.13, 310 CMR 7.19(13)(c), and 40 CFR Part 60, Appendix A (Method 7E for NO<sub>x</sub> Methods 1 to 5 for PM, Method 3A for Oxygen (O<sub>2</sub>) or of any other testing required by MassDEP or EPA.</p> <p>5. In accordance with 310 CMR 7.19(13)(d) 3., maintain for each engine, No. 2 Fuel Oil and/or Natural Gas burned each day, heat content of No. 2 Fuel Oil and/or Natural Gas, and total heating value of No. 2 Fuel Oil and/or Natural Gas consumed for each day.</p> <p>6. Maintain No. 2 Fuel Oil testing results and/or purchase receipts in order to demonstrate compliance with fuel sulfur content requirements as provided in 310 CMR 7.05(1)(a) 2.</p> <p>7. Maintain records of any EPA Test Method 9 smoke and opacity determinations performed according to 40 CFR Part 60, Appendix A, including detached plumes, required by MassDEP or EPA.</p> <p>8. In accordance with Approval No. 79294, maintain on-site, at all times, a copy of the Standard Operating and Maintenance Procedure (SOMP) for the subject engines.</p>
EU#12	9. In accordance with 310 CMR 7.04(2)(a) and 310 CMR 7.00: Appendix C (10)(b), maintain a copy of smoke sensing equipment recording charts for five years from date of use.
EU#13	10. In accordance with 310 CMR 7.18(8)(f) maintain records sufficient to demonstrate compliance. Said records shall include at a minimum, the following; (1) identity, quantity, formulation and density of the solvent used; (2) quantity, formulation and density of all waste solvent generated, and; (3) actual operational and any appurtenant emission capture and control equipment.
Facility Wide	<p>11. Maintain sufficient records of its operations and monitoring information for the annual preparation of a Source Registration/Emission Statement Form as required by 310 CMR 7.12.</p> <p>12. Keep copies of Source Registration/Emission Statement Forms and other information submitted to MassDEP for five years as required per 310 CMR 7.12(3)(b).</p>

**Table 6**

EU#	REPORTING REQUIREMENTS
EU#10-#12	<ol style="list-style-type: none"> <li>1. Submit notification to MassDEP if the operation of any engine exceeds 1000 hours for any consecutive twelve month period, and the facility is subject to the emission standard in 310 CMR 7.19(8)(c) in accordance with 310 CMR 7.19(8)(d) 4.</li> </ol>
EU#7, #8, #10-EU#12	<ol style="list-style-type: none"> <li>2. In accordance with 310 CMR 7.19(13)(d) 9., submit compliance records within ten (10) days of written request by MassDEP or EPA.</li> <li>3. Summarize and submit to MassDEP the results of stack testing as prescribed in MassDEP's approved pretest protocol for all stack testing that is determined by MassDEP to be necessary to ascertain compliance with Department's regulations or design approval provisos in accordance with 310 CMR 7.13(1) and 310 CMR 7.13(2).</li> <li>4. Submit fuel-oil sulfur content test results, obtained from the fuel supplier and or requisite analyses, to MassDEP within thirty (30) days of the request by MassDEP, as provided for in 310 CMR 7.00: Appendix C(10)(a).</li> <li>5. Consistent with the requirements of approval Transmittal # 79294, submit updated versions of the Standard Operating and Maintenance Procedures (SOMP) to MassDEP. MassDEP must be notified of significant changes prior to the submission of the updated SOMP. Unless otherwise notified by MassDEP, the updated SOMP shall supersede prior versions of the SOMP.</li> <li>6. Upon request of MassDEP, perform or have performed tests to demonstrate rate compliance. Testing shall be conducted in accordance 310 CMR 7.13 with a method approved by MassDEP and EPA.</li> </ol>
Facility-Wide	<ol style="list-style-type: none"> <li>7. Submit a Source Registration/Emission Statement Form to MassDEP on an annual basis in accordance with 310 CMR 7.12(2).</li> <li>8. Submit by January 30 and July 30 for the previous six months respectively, a summary of all monitoring data and related supporting information to MassDEP as required by 310 CMR 7.00: Appendix C (10)(c).</li> <li>9. Promptly report to MassDEP all instances of deviations from permit requirements (including but not limited to testing for efficient operation, ignition timing, fuel sulfur and fuel ash content, emission limitations/standards, Standard Operating and Maintenance Procedures) by telephone or fax, within three days of discovery of such deviation, as provided in 310 CMR 7.00: Appendix C (10)(f). (See General Condition 25).</li> <li>10. Upon MassDEP's request, any records required by the applicable requirements identified in Section 4 of the operating permit, or the emissions of any air contaminant from the facility, shall be submitted to MassDEP within 30 days of the request by MassDEP, or within a longer time period if approved in writing by MassDEP. Said response shall be transmitted on paper, on computer disk, or electronically at the discretion of MassDEP, pursuant to 310 CMR 7.00: Appendix C (10)(a) incorporated herein by reference.</li> <li>11. All required reports must be certified by a responsible official as provided in 310 CMR 7.00: Appendix C (10)(h).</li> </ol>

### C. GENERAL APPLICABLE REQUIREMENTS

The Permittee shall comply with all generally applicable requirements contained in 310 CMR 7.00 et. seq. and 310 CMR 8.00 et. seq., when subject.

#### D. REQUIREMENTS NOT CURRENTLY APPLICABLE

The Permittee is currently not subject to the following requirements:

<b>Table 7</b>	
REGULATION	DESCRIPTION
310 CMR 7.16	Reduction of Single Occupant Commuter Vehicle Use
42 U.S.C. 7401, §112(r)	Prevention of Accidental Releases
40 CFR 64	Compliance Assurance Monitoring
40 CFR 82	Protection of Stratospheric Ozone

#### 5. SPECIAL TERMS AND CONDITIONS

The Permittee is subject to the following special provisions that are not contained in Table 3, 4, 5, and 6:

<b>Table 8</b>
SPECIAL TERMS AND CONDITIONS
A. The NOx emission standard for Emission Units #8-12 shall be complied with by fuel switching on a 12-month rolling average basis in compliance with 310 CMR 7.19(2)(f), provided that the fuel with the lowest NOx emissions rate available is utilized between May 1st and September 30th of each year. Operation for maintenance and startup/shutdown periods are excluded from this requirement and shall comply with the special terms listed below in Section 5. The permittee shall retain records on-site to document compliance with this requirement.
B. In accordance with Operating Permit Transmittal No. 115688, the five stationary reciprocating internal combustion engines shall emit through five separate stacks, each stack having the parameters as listed below in Table 9. The stacks shall not be altered without prior written Department Approval.
C. The five stationary reciprocating internal combustion engines shall continue to be equipped and operated with exhaust silencers so that sound emissions from the engines do not cause or contribute to a condition of air pollution. (State Only 310 CMR 7.10: Noise)
D. That should any nuisance condition(s) occur as a result of the operation of the engines, then appropriate steps shall immediately be taken to abate said nuisance condition(s). Massachusetts State Requirement Only 310 CMR 7.01(1).



<b>Table 9</b>		
Equipment No.	Stack Height Above Ground	Inside Exit Diameter
	Feet	Inches
EU#7	49	32
EU#8	49	32
EU#10	22	20
EU#11	22	20
EU#12	51	32

## **6. ALTERNATIVE OPERATING SCENARIOS**

The Permittee did not request alternative operating scenarios in its operating permit application.

## **7. EMISSIONS TRADING**

### (a) Intra-facility emission trading

The facility did not request intra-facility emissions trading in its operating permit application.

### (b) Inter-facility emission trading

The Permittee did not request inter-facility emissions trading in its operating permit application.

## **8. COMPLIANCE SCHEDULE**

The Permittee has indicated that the facility is in compliance and shall remain in compliance with the applicable requirements contained in Sections 4 and 5.

In addition, the Permittee shall comply with any applicable requirements that become effective during the permit term.

## GENERAL CONDITIONS FOR OPERATING PERMIT

### **9. FEES**

The Permittee has paid the permit application processing fee and shall pay the annual compliance fee in accordance with the fee schedule pursuant to 310 CMR 4.00.

### **10. COMPLIANCE CERTIFICATION**

All documents submitted to the MassDEP shall contain certification by the responsible official of truth, accuracy, and completeness. Such certification shall be in compliance with 310 CMR 7.01(2) and contain the following language:

"I certify that I have personally examined the foregoing and am familiar with the information contained in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including possible fines and imprisonment."

The "Operating Permit Reporting Kit" contains instructions and the Annual Compliance Report and Certification and the Semi-Annual Monitoring Summary Report and Certification. The "Operating Permit Reporting Kit" is available to the Permittee via MassDEP's web site, <http://www.mass.gov/dep/air/approvals/aqforms.htm#op>.

#### (a) Annual Compliance Report and Certification

The Responsible Official shall certify, annually for the calendar year, that the facility is in compliance with the requirements of this permit. The report shall be postmarked or delivered by January 30 to the MassDEP and to the Regional Administrator, U.S. Environmental Protection Agency - New England Region. The report shall be submitted in compliance with the submission requirements below.

The compliance certification and report shall describe:

- i. the terms and conditions of the permit that are the basis of the certification;
- ii. the current compliance status and whether compliance was continuous or intermittent during the reporting period;
- iii. the methods used for determining compliance, including a description of the monitoring, record keeping, and reporting requirements and test methods; and
- iv. any additional information required by the MassDEP to determine the compliance status of the source.

#### (b) Semi-Annual Monitoring Summary Report and Certification

The Responsible Official shall certify, semi-annually on the calendar year, that the facility is in compliance with the requirements of this permit. The report shall be postmarked or delivered by January 30 and July 30 to the MassDEP. The report shall be submitted in compliance with the submission requirements below.

The compliance certification and report shall describe:

- i. the terms and conditions of the permit that are the basis of the certification;
- ii. the current compliance status during the reporting period;
- iii. the methods used for determining compliance, including a description of the monitoring, record keeping, and reporting requirements and test methods;
- iv. whether there were any deviations during the reporting period;
- v. if there are any outstanding deviations at the time of reporting, and the Corrective Action Plan to remedy said deviation;
- vi. whether deviations in the reporting period were previously reported;
- vii. if there are any outstanding deviations at the time of reporting, the proposed date of return to compliance;
- viii. if the deviations in the reporting period have returned to compliance and date of such return to compliance; and
- ix. any additional information required by the MassDEP to determine the compliance status of the source.

## **11. NONCOMPLIANCE**

Any noncompliance with a permit condition constitutes a violation of 310 CMR 7.00: Appendix C and the Clean Air Act, and is grounds for enforcement action, for permit termination or revocation, or for denial of an operating permit renewal application by the MassDEP and/or EPA. Noncompliance may also be grounds for assessment of administrative or civil penalties under M.G.L. c.21A, §16 and 310 CMR 5.00; and civil penalties under M.G.L. c.111, §142A and 142B. This permit does not relieve the permittee from the obligation to comply with any other provisions of 310 CMR 7.00 or the Act, or to obtain any other necessary authorizations from other governmental agencies, or to comply with all other applicable Federal, State, or Local rules and regulations, not addressed in this permit.

## **12. PERMIT SHIELD**

(a) This facility has a permit shield provided that it operates in compliance with the terms and conditions of this permit. Compliance with the terms and conditions of this permit shall be deemed compliance with all applicable requirements specifically identified in Sections 4, 5, 6, and 7, for the emission units as described in the permittee's application and as identified in this permit.

Where there is a conflict between the terms and conditions of this permit and any earlier approval or permit, the terms and conditions of this permit control.

(b) The MassDEP has determined that the permittee is not currently subject to the requirements listed in Section 4, Table 7.

(c) Nothing in this permit shall alter or affect the following:

- (i) the liability of the source for any violation of applicable requirements prior to or at the time of permit issuance.
- (ii) the applicable requirements of the Acid Rain Program, consistent with 42 U.S.C. §7401, §408(a); or